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HOUSE BILL 2304

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State of Washington

57th Legislature

2002 Regular Session

By Representatives Fisher, Jarrett, Kessler, Berkey, Sullivan, Dunshee, Lovick, Kenney, Lantz, Santos, Ruderman, Edwards, Murray, Rockefeller, Wood, O'Brien, Cooper, Haigh, Fromhold, Tokuda, Ogden, Romero, Cody, Darneille, Simpson, Linville, Upthegrove, Schual-Berke, Kagi and McIntire; by request of Governor Locke

Read first time 01/14/2002. Referred to Committee on Transportation.

1 AN ACT Relating to transportation; amending RCW 41.06.380,  
2 47.80.030, 39.12.070, 39.12.080, 47.05.010, 47.05.030, 47.05.035,  
3 47.06.130, 47.05.051, 35.84.060, 47.06.050, and 47.06.090; adding a new  
4 section to chapter 47.28 RCW; adding a new section to chapter 49.04  
5 RCW; adding a new section to chapter 47.01 RCW; adding a new section to  
6 chapter 47.06 RCW; adding a new section to chapter 39.12 RCW; adding a  
7 new section to chapter 36.56 RCW; adding a new section to chapter  
8 36.57A RCW; adding a new section to chapter 46.68 RCW; adding a new  
9 section to chapter 81.112 RCW; adding a new section to chapter 36.78  
10 RCW; creating new sections; making an appropriation; and providing  
11 effective dates.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

13 PART I

14 ESTABLISHMENT OF TRANSPORTATION

15 PERFORMANCE MEASURES

16 NEW SECTION. **Sec. 101.** LEGISLATIVE INTENT. It is the intent of  
17 the legislature to establish policy goals for the operation,  
18 performance of, and investment in, the state's transportation system.

1 The policy goals shall consist of the following benchmark categories,  
2 adopted by the state's Blue Ribbon Commission on Transportation on  
3 November 30, 2000. In addition to improving safety, public investments  
4 in transportation shall support achievement of these and other priority  
5 goals:

6 No interstate highways, state routes, and local arterials shall be  
7 in poor condition; no bridges shall be structurally deficient, and  
8 safety retrofits shall be performed on those state bridges at the  
9 highest seismic risk levels; traffic congestion on urban state highways  
10 shall be significantly reduced and be no worse than the national mean;  
11 delay per driver shall be significantly reduced and no worse than the  
12 national mean; per capita vehicle miles traveled shall be maintained at  
13 2000 levels; the nonauto share of commuter trips shall be increased in  
14 urban areas; administrative costs as a percentage of transportation  
15 spending shall achieve the most efficient quartile nationally; and the  
16 state's public transit agencies shall achieve the median cost per  
17 vehicle revenue hour of peer transit agencies, adjusting for the  
18 regional cost-of-living.

19 These policy goals shall be the basis for establishment of detailed  
20 and measurable performance benchmarks.

21 It is the intent of the legislature that the transportation  
22 commission establish performance measures to ensure transportation  
23 system performance at local, regional, and state government levels, and  
24 the transportation commission should work with appropriate government  
25 entities to accomplish this.

26 NEW SECTION. **Sec. 102.** Section 101 of this act takes effect July  
27 1, 2002.

## 28 **PART II**

### 29 **ALTERNATIVE DELIVERY PROCEDURES FOR CONSTRUCTION SERVICES**

30 NEW SECTION. **Sec. 201.** The legislature finds that there is a  
31 pressing need for additional transportation projects to meet the  
32 mobility needs of Washington citizens. With major new investments  
33 approved to meet these pressing needs, additional work force assistance  
34 is necessary to ensure and enhance project delivery timelines.  
35 Recruiting and retaining a high quality work force, and implementing  
36 new and innovative procedures for delivering these transportation

1 projects is required to accomplish them on a timely basis that best  
2 serves the public. It is the intent of sections 202 and 203 of this  
3 act that no state employees will lose their employment as a result of  
4 implementing new and innovative project delivery procedures.

5 NEW SECTION. **Sec. 202.** A new section is added to chapter 47.28  
6 RCW to read as follows:

7 (1) The department of transportation shall work with  
8 representatives of transportation labor groups to develop and implement  
9 a financial incentive program to aid in retention and recruitment of  
10 employee classifications where problems exist and program delivery is  
11 negatively affected. The department shall accommodate the impacts of  
12 the financial incentive program within its newly enacted capital  
13 construction budgets. The department of personnel shall implement, as  
14 required, specific aspects of the financial incentive package, as  
15 developed by the department of transportation.

16 (2) Notwithstanding chapter 41.06 RCW, the department of  
17 transportation may acquire consultant services from qualified private  
18 firms in order to deliver the transportation construction program to  
19 the public. Consultant services may be acquired solely for augmenting  
20 the department's work force capacity and only when the department's  
21 transportation construction program cannot be delivered through its  
22 existing or readily available work force. The department of  
23 transportation shall work with representatives of transportation labor  
24 groups to develop and implement a program identifying those projects  
25 requiring contract services while establishing a program as defined in  
26 subsection (1) of this section to provide the classified personnel  
27 necessary to deliver future construction programs. The procedures for  
28 acquiring construction engineering services from private firms may not  
29 be used to displace existing state employees nor diminish the number of  
30 existing classified positions in the present construction program. The  
31 acquisition procedures must be in accordance with chapter 39.80 RCW.

32 (3) Starting in December 2003, and biennially thereafter, the  
33 secretary shall report to the transportation committees of the  
34 legislature on the use of construction engineering services from  
35 private firms authorized under this section. The information provided  
36 to the committees must include an assessment of the benefits and costs  
37 associated with using engineering services, or other services, from  
38 private firms, and a comparison of public versus private sector costs.

1 The secretary is authorized to act on these findings to ensure the most  
2 cost-effective means of service delivery.

3 **Sec. 203.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended  
4 to read as follows:

5 (1) Nothing contained in this chapter shall prohibit any  
6 department, as defined in RCW 41.06.020, from purchasing services by  
7 contract with individuals or business entities if such services were  
8 regularly purchased by valid contract by such department prior to April  
9 23, 1979: PROVIDED, That no such contract may be executed or renewed  
10 if it would have the effect of terminating classified employees or  
11 classified employee positions existing at the time of the execution or  
12 renewal of the contract.

13 (2) Nothing contained in this chapter prohibits the department of  
14 transportation from purchasing construction engineering services by  
15 contract from qualified private businesses as specified in section  
16 202(2) of this act.

17 NEW SECTION. **Sec. 204.** Sections 201 through 203 of this act and  
18 RCW 41.06.380(2) are null and void if new transportation revenues do  
19 not become law by January 1, 2003. Sections 201 through 203 of this  
20 act and RCW 41.06.380(2) are effective only for the period consistent  
21 with the new transportation revenues, after which time these provisions  
22 will expire.

### 23 **PART III**

#### 24 **APPRENTICESHIP AND ADJUSTMENTS TO PREVAILING WAGE PROVISIONS**

25 NEW SECTION. **Sec. 301.** (1) The legislature finds that a skilled  
26 technical work force is necessary for maintaining, preserving, and  
27 improving Washington's transportation system. The Blue Ribbon  
28 Commission on Transportation found that state and local transportation  
29 agencies are showing signs of a work force that is insufficiently  
30 skilled to operate the transportation system at its highest level.  
31 Sections 301 through 309 of this act are intended to explore methods  
32 for fostering a stronger industry in transportation planning and  
33 engineering.

34 (2) It is the intent of the legislature that the state prevailing  
35 wage process operate efficiently, that the process allow contractors

1 and workers to be paid promptly, and that new technologies and  
2 innovative outreach methods be used to enhance wage surveys in order to  
3 better reflect current wages in counties across the state.

4 (3) The legislature finds that in order to enhance the prevailing  
5 wage process it is appropriate for all intent and affidavit fees paid  
6 by contractors be dedicated to the sole purpose of administering the  
7 state prevailing wage program.

8 (4) To accomplish the intent of this section and in order to  
9 enhance the response of businesses and labor representatives to the  
10 prevailing wage survey process, the department shall undertake the  
11 following activities:

12 (a) Establish a goal of conducting surveys for each trade every  
13 three years;

14 (b) Actively promote increased response rates from all survey  
15 recipients in every county both urban and rural. The department shall  
16 provide public education and technical assistance to businesses, labor  
17 representatives, and public agencies in order to promote a better  
18 understanding of prevailing wage laws and increased participation in  
19 the prevailing wage survey process;

20 (c) Actively work with businesses, labor representatives, public  
21 agencies, and others to ensure the integrity of information used in the  
22 development of prevailing wage rates, and ensure uniform compliance  
23 with requirements of sections 301 through 309 of this act;

24 (d) Maintain a timely processing of intents and affidavits, with a  
25 target processing time no greater than seven working days from receipt  
26 of completed forms;

27 (e) Develop and implement electronic processing of intents and  
28 affidavits and promote the efficient and effective use of technology to  
29 improve the services provided by the prevailing wage program.

30 NEW SECTION. **Sec. 302.** A new section is added to chapter 49.04  
31 RCW to read as follows:

32 The apprenticeship council shall work with the department of  
33 transportation, local transportation jurisdictions, local and state  
34 joint apprenticeships, representatives of transportation labor groups,  
35 and representatives of the state's universities and community and  
36 vocational colleges to establish technical apprenticeship opportunities  
37 specific to the needs of transportation. The council shall issue a  
38 report of findings and recommendations to the transportation committees

1 of the legislature by December 1, 2002. The report must include, but  
2 not be limited to, findings and recommendations regarding the  
3 establishment of transportation technical training programs within the  
4 community and vocational college system and in the state universities.

5 NEW SECTION. **Sec. 303.** A new section is added to chapter 47.01  
6 RCW to read as follows:

7 The department of transportation shall work with local  
8 transportation jurisdictions and representatives of transportation  
9 labor groups to establish a human resources skills bank of  
10 transportation professionals. The skills bank must be designed to  
11 allow all transportation authorities to draw from it when needed. The  
12 department shall issue a report of findings and recommendations to the  
13 transportation committees of the legislature by December 1, 2002. The  
14 report must include, but not be limited to, identification of any  
15 statutory or administrative rule changes necessary to create the skills  
16 bank and allow it to function in the manner described.

17 NEW SECTION. **Sec. 304.** A new section is added to chapter 47.06  
18 RCW to read as follows:

19 The state-interest component of the statewide multimodal  
20 transportation plan must include a plan for enhancing the skills of the  
21 existing technical transportation work force.

22 **Sec. 305.** RCW 47.80.030 and 1998 c 171 s 9 are each amended to  
23 read as follows:

24 (1) Each regional transportation planning organization shall  
25 develop in cooperation with the department of transportation, providers  
26 of public transportation and high capacity transportation, ports, and  
27 local governments within the region, adopt, and periodically update a  
28 regional transportation plan that:

29 (a) Is based on a least cost planning methodology that identifies  
30 the most cost-effective facilities, services, and programs;

31 (b) Identifies existing or planned transportation facilities,  
32 services, and programs, including but not limited to major roadways  
33 including state highways and regional arterials, transit and  
34 nonmotorized services and facilities, multimodal and intermodal  
35 facilities, marine ports and airports, railroads, and noncapital  
36 programs including transportation demand management that should

1 function as an integrated regional transportation system, giving  
2 emphasis to those facilities, services, and programs that exhibit one  
3 or more of the following characteristics:

4 (i) Crosses member county lines;

5 (ii) Is or will be used by a significant number of people who live  
6 or work outside the county in which the facility, service, or project  
7 is located;

8 (iii) Significant impacts are expected to be felt in more than one  
9 county;

10 (iv) Potentially adverse impacts of the facility, service, program,  
11 or project can be better avoided or mitigated through adherence to  
12 regional policies;

13 (v) Transportation needs addressed by a project have been  
14 identified by the regional transportation planning process and the  
15 remedy is deemed to have regional significance; and

16 (vi) Provides for system continuity;

17 (c) Establishes level of service standards for state highways and  
18 state ferry routes, with the exception of transportation facilities of  
19 statewide significance as defined in RCW 47.06.140. These regionally  
20 established level of service standards for state highways and state  
21 ferries shall be developed jointly with the department of  
22 transportation, to encourage consistency across jurisdictions. In  
23 establishing level of service standards for state highways and state  
24 ferries, consideration shall be given for the necessary balance between  
25 providing for the free interjurisdictional movement of people and goods  
26 and the needs of local commuters using state facilities;

27 (d) Includes a financial plan demonstrating how the regional  
28 transportation plan can be implemented, indicating resources from  
29 public and private sources that are reasonably expected to be made  
30 available to carry out the plan, and recommending any innovative  
31 financing techniques to finance needed facilities, services, and  
32 programs;

33 (e) Assesses regional development patterns, capital investment and  
34 other measures necessary to:

35 (i) Ensure the preservation of the existing regional transportation  
36 system, including requirements for operational improvements,  
37 resurfacing, restoration, and rehabilitation of existing and future  
38 major roadways, as well as operations, maintenance, modernization, and

1 rehabilitation of existing and future transit, railroad systems and  
2 corridors, and nonmotorized facilities; and

3 (ii) Make the most efficient use of existing transportation  
4 facilities to relieve vehicular congestion and maximize the mobility of  
5 people and goods;

6 (f) Sets forth a proposed regional transportation approach,  
7 including capital investments, service improvements, programs, and  
8 transportation demand management measures to guide the development of  
9 the integrated, multimodal regional transportation system; ~~((and))~~

10 (g) Where appropriate, sets forth the relationship of high capacity  
11 transportation providers and other public transit providers with regard  
12 to responsibility for, and the coordination between, services and  
13 facilities; and

14 (h) Provides for training that enhances the skills of the existing  
15 technical transportation work force.

16 (2) The organization shall review the regional transportation plan  
17 biennially for currency and forward the adopted plan along with  
18 documentation of the biennial review to the state department of  
19 transportation.

20 (3) All transportation projects, programs, and transportation  
21 demand management measures within the region that have an impact upon  
22 regional facilities or services must be consistent with the plan and  
23 with the adopted regional growth and transportation strategies.

24 NEW SECTION. Sec. 306. The department of labor and industries, in  
25 cooperation with the department of transportation, shall conduct an  
26 assessment of the current practices, including survey techniques, used  
27 in setting prevailing wages for those trades related to transportation  
28 facilities and transportation project delivery. The assessment must  
29 include an analysis of regional variations. A final report must be  
30 submitted to the governor and the transportation committees of the  
31 senate and house of representatives by December 1, 2002.

32 NEW SECTION. Sec. 307. A new section is added to chapter 39.12  
33 RCW to read as follows:

34 (1) In establishing the prevailing rate of wage under RCW  
35 39.12.010, 39.12.015, and 39.12.020, all data collected by the  
36 department may be used only in the county for which the work was  
37 performed.

1 (2) This section only applies to prevailing wage surveys initiated  
2 on or after August 1, 2002.

3 **Sec. 308.** RCW 39.12.070 and 1993 c 404 s 1 are each amended to  
4 read as follows:

5 The department of labor and industries may charge fees to awarding  
6 agencies on public works for the approval of statements of intent to  
7 pay prevailing wages and the certification of affidavits of wages paid.  
8 The department may also charge fees to persons or organizations  
9 requesting the arbitration of disputes under RCW 39.12.060. The amount  
10 of the fees shall be established by rules adopted by the department  
11 under the procedures in the administrative procedure act, chapter 34.05  
12 RCW. The fees shall apply to all approvals, certifications, and  
13 arbitration requests made after the effective date of the rules. All  
14 fees shall be deposited in the public works administration account.  
15 (~~On the fifteenth day of the first month of each quarterly period, an~~  
16 ~~amount equalling thirty percent of the revenues received into the~~  
17 ~~public works administration account shall be transferred into the~~  
18 ~~general fund.~~) The department may refuse to arbitrate for  
19 contractors, subcontractors, persons, or organizations which have not  
20 paid the proper fees. The department may, if necessary, request the  
21 attorney general to take legal action to collect delinquent fees.

22 The department shall set the fees permitted by this section at a  
23 level that generates revenue that is as near as practicable to the  
24 amount of the appropriation to administer this chapter, including, but  
25 not limited to, the performance of adequate wage surveys, and to  
26 investigate and enforce all alleged violations of this chapter,  
27 including, but not limited to, incorrect statements of intent to pay  
28 prevailing wage, incorrect certificates of affidavits of wages paid,  
29 and wage claims, as provided for in this chapter and chapters 49.48 and  
30 49.52 RCW. However, the fees charged for the approval of statements of  
31 intent to pay prevailing wages and the certification of affidavits of  
32 wages paid shall be no greater than twenty-five dollars.

33 **Sec. 309.** RCW 39.12.080 and 2001 c 219 s 3 are each amended to  
34 read as follows:

35 The public works administration account is created in the state  
36 treasury. The department of labor and industries shall deposit in the  
37 account all moneys received from fees or civil penalties collected

1 under RCW 39.12.050, 39.12.065, and 39.12.070. Appropriations from the  
2 account(~~(, not including moneys transferred to the general fund~~  
3 ~~pursuant to RCW 39.12.070,))~~) may be made only for the purposes of  
4 administration of this chapter, including, but not limited to, the  
5 performance of adequate wage surveys, and for the investigation and  
6 enforcement of all alleged violations of this chapter as provided for  
7 in this chapter and chapters 49.48 and 49.52 RCW.

8 NEW SECTION. **Sec. 310.** Sections 301 through 309 of this act are  
9 null and void if new transportation revenues do not become law by  
10 January 1, 2003.

11 NEW SECTION. **Sec. 311.** The sum of nine hundred fifty thousand  
12 dollars, or as much thereof as may be necessary, is appropriated from  
13 the public works administration account to the department of labor and  
14 industries for the biennium ending June 30, 2003, to carry out the  
15 purposes of sections 306 through 309 of this act.

16 **PART IV**

17 **TRANSPORTATION PLANNING AND EFFICIENCY**

18 **Sec. 401.** RCW 47.05.010 and 1993 c 490 s 1 are each amended to  
19 read as follows:

20 The legislature finds that solutions to state highway deficiencies  
21 have become increasingly complex and diverse and that anticipated  
22 transportation revenues will fall substantially short of the amount  
23 required to satisfy all transportation needs. Difficult investment  
24 trade-offs will be required.

25 It is the intent of the legislature that investment of state  
26 transportation funds to address deficiencies on the state highway  
27 system be based on a policy of priority programming having as its basis  
28 the rational selection of projects and services according to factual  
29 need and an evaluation of life cycle costs and benefits (~~(and which)~~)  
30 that are systematically scheduled to carry out defined objectives  
31 within available revenue. The state must develop analytic tools to use  
32 a common methodology to measure benefits and costs for all modes.

33 The priority programming system (~~(shall)~~) must ensure preservation  
34 of the existing state highway system, relieve congestion, provide

1 mobility for people and goods, support the state's economy, and promote  
2 environmental protection and energy conservation.

3 The priority programming system (~~shall~~) must implement the state-  
4 owned highway component of the statewide (~~multimodal~~) transportation  
5 plan, consistent with local and regional transportation plans, by  
6 targeting state transportation investment to appropriate multimodal  
7 solutions (~~which~~) that address identified state highway system  
8 deficiencies.

9 The priority programming system for improvements (~~shall~~) must  
10 incorporate a broad range of solutions that are identified in the  
11 statewide (~~multimodal~~) transportation plan as appropriate to address  
12 state highway system deficiencies, including but not limited to highway  
13 expansion, efficiency improvements, nonmotorized transportation  
14 facilities, high occupancy vehicle facilities, transit facilities and  
15 services, rail facilities and services, and transportation demand  
16 management programs.

17 **Sec. 402.** RCW 47.05.030 and 1998 c 171 s 6 are each amended to  
18 read as follows:

19 The transportation commission shall adopt a comprehensive six-year  
20 investment program specifying program objectives and performance  
21 measures for the preservation and improvement programs defined in this  
22 section. In the specification of investment program objectives and  
23 performance measures, the transportation commission, in consultation  
24 with the Washington state department of transportation, shall define  
25 and adopt standards for effective programming and prioritization  
26 practices including a needs analysis process. The (~~needs~~) analysis  
27 process (~~shall~~) must ensure the identification of problems and  
28 deficiencies, the evaluation of alternative solutions and trade-offs,  
29 and estimations of the costs and benefits of prospective projects. The  
30 investment program (~~shall~~) must be revised biennially, effective on  
31 July 1st of odd-numbered years. The investment program (~~shall~~) must  
32 be based upon the needs identified in the state-owned highway component  
33 of the statewide (~~multimodal~~) transportation plan as defined in RCW  
34 47.01.071(3).

35 (1) The preservation program (~~shall~~) consists of those  
36 investments necessary to preserve the existing state highway system and  
37 to restore existing safety features, giving consideration to lowest

1 life cycle costing. The preservation program must require use of the  
2 most cost-effective pavement surfaces, considering:

- 3 (a) Life-cycle cost analysis;
- 4 (b) Traffic volume;
- 5 (c) Subgrade soil conditions;
- 6 (d) Environmental and weather conditions;
- 7 (e) Materials available; and
- 8 (f) Construction factors.

9 The comprehensive six-year investment program for preservation  
10 ~~((shall))~~ must identify projects for two years and an investment plan  
11 for the remaining four years.

12 (2) The improvement program ~~((shall))~~ consists of investments  
13 needed to address identified deficiencies on the state highway system  
14 to increase mobility, address congestion, and improve ~~((mobility,))~~  
15 safety, support for the economy, and protection of the environment.  
16 The six-year investment program for improvements ~~((shall))~~ must  
17 identify projects for two years and major deficiencies proposed to be  
18 addressed in the six-year period giving consideration to relative  
19 benefits and life cycle costing. The transportation commission shall  
20 give higher priority for correcting identified deficiencies on those  
21 facilities classified as facilities of statewide significance as  
22 defined in RCW 47.06.140. Project prioritization must be based  
23 primarily upon cost-benefit analysis, where appropriate.

24 The transportation commission shall approve and present the  
25 comprehensive six-year investment program to the legislature in support  
26 of the biennial budget request under RCW 44.40.070 and 44.40.080.

27 **Sec. 403.** RCW 47.05.035 and 1993 c 490 s 4 are each amended to  
28 read as follows:

29 (1) The department and the commission shall use the transportation  
30 demand modeling tools developed under subsection (2) of this section to  
31 evaluate investments based on the best mode or improvement, or mix of  
32 modes and improvements, to meet current and future long-term demand  
33 within a corridor or system for the lowest cost. The end result of  
34 these demand modeling tools is to provide a cost-benefit analysis by  
35 which the department and the commission can determine the relative  
36 mobility improvement and congestion relief each mode or improvement  
37 under consideration will provide and the relative investment each mode  
38 or improvement under consideration will need to achieve that relief.

1       (2) The department will participate in the refinement, enhancement,  
2 and application of existing transportation demand modeling tools to be  
3 used to evaluate investments. This participation and use of  
4 transportation demand modeling tools will be phased in. The first  
5 phase will build upon the modeling work initiated by the four-county  
6 Puget Sound regional council.

7       (3) In developing program objectives and performance measures, the  
8 transportation commission shall evaluate investment trade-offs between  
9 the preservation and improvement programs. In making these investment  
10 trade-offs, the commission shall evaluate, using cost-benefit  
11 techniques, roadway and bridge maintenance activities as compared to  
12 roadway and bridge preservation program activities and adjust those  
13 programs accordingly.

14       (4) The commission shall allocate the estimated revenue between  
15 preservation and improvement programs giving primary consideration to  
16 the following factors:

17       ~~((1))~~ (a) The relative needs in each of the programs and the  
18 system performance levels that can be achieved by meeting these needs;

19       ~~((2))~~ (b) The need to provide adequate funding for preservation  
20 to protect the state's investment in its existing highway system;

21       ~~((3))~~ (c) The continuity of future transportation development  
22 with those improvements previously programmed; and

23       ~~((4))~~ (d) The availability of dedicated funds for a specific type  
24 of work.

25       **Sec. 404.** RCW 47.06.130 and 1993 c 446 s 13 are each amended to  
26 read as follows:

27       (1) The department may carry out special transportation planning  
28 studies to resolve specific issues with the development of the state  
29 transportation system or other statewide transportation issues.

30       (2) The department shall conduct multimodal corridor analyses on  
31 major congested corridors where needed improvements are likely to cost  
32 in excess of one hundred million dollars. Analysis will include the  
33 cost-effectiveness of all feasible strategies in addressing congestion  
34 or improving mobility within the corridor, and must recommend the most  
35 effective strategy or mix of strategies to address identified  
36 deficiencies. A long-term view of corridors must be employed to  
37 determine whether an existing corridor should be expanded, a city or  
38 county road should become a state route, and whether a new corridor is

1 needed to alleviate congestion and enhance mobility based on travel  
2 demand. To the extent practicable, full costs of all strategies must  
3 be reflected in the analysis. At a minimum, this analysis must  
4 include:

5 (a) The current and projected future demand for total person trips  
6 on that corridor;

7 (b) The impact of making no improvements to that corridor;

8 (c) The daily cost per added person served for each mode or  
9 improvement proposed to meet demand;

10 (d) The cost per hour of travel time saved per day for each mode or  
11 improvement proposed to meet demand; and

12 (e) How much of the current and anticipated future demand will be  
13 met and left unmet for each mode or improvement proposed to meet  
14 demand.

15 The end result of this analysis will be to provide a cost-benefit  
16 analysis by which policymakers can determine the most cost-effective  
17 improvement or mode, or mix of improvements and modes, for increasing  
18 mobility and reducing congestion.

19 NEW SECTION. Sec. 405. The legislature intends that funding for  
20 transportation mobility improvements be allocated to the worst traffic  
21 chokepoints in the state. Furthermore, the legislature intends to fund  
22 projects that provide systemic relief throughout a transportation  
23 corridor, rather than spot improvements that fail to improve overall  
24 mobility within a corridor.

25 **Sec. 406.** RCW 47.05.051 and 1998 c 175 s 12 are each amended to  
26 read as follows:

27 (1) The comprehensive six-year investment program shall be based  
28 upon the needs identified in the state-owned highway component of the  
29 statewide multimodal transportation plan as defined in RCW 47.01.071(3)  
30 and priority selection systems that incorporate the following criteria:

31 ((1)) (a) Priority programming for the preservation program shall  
32 take into account the following, not necessarily in order of  
33 importance:

34 ((a)) (i) Extending the service life of the existing highway  
35 system, including using the most cost-effective pavement surfaces,  
36 considering:

37 (A) Life-cycle cost analysis;

1        (B) Traffic volume;  
2        (C) Subgrade soil conditions;  
3        (D) Environmental and weather conditions;  
4        (E) Materials available; and  
5        (F) Construction factors;  
6        ~~((b))~~ (ii) Ensuring the structural ability to carry loads imposed  
7 upon highways and bridges; and  
8        ~~((e))~~ (iii) Minimizing life cycle costs. The transportation  
9 commission in carrying out the provisions of this section may delegate  
10 to the department of transportation the authority to select  
11 preservation projects to be included in the six-year program.  
12        ~~((2))~~ (b) Priority programming for the improvement program  
13 ~~((shall take into account))~~ must be based primarily upon the following:  
14        ~~((a))~~ (i) Traffic congestion, delay, and accidents;  
15        (ii) Location within a heavily traveled transportation corridor;  
16        (iii) Synchronization with other potential transportation projects,  
17 including transit and multimodal projects, within the heavily traveled  
18 corridor; and  
19        (iv) Use of benefit/cost analysis wherever feasible to determine  
20 the value of the proposed project.  
21        (c) Priority programming for the improvement program may also take  
22 into account:  
23        (i) Support for the state's economy, including job creation and job  
24 preservation;  
25        ~~((b))~~ (ii) The cost-effective movement of people and goods;  
26        ~~((e))~~ (iii) Accident and accident risk reduction;  
27        ~~((d))~~ (iv) Protection of the state's natural environment;  
28        ~~((e))~~ (v) Continuity and systematic development of the highway  
29 transportation network;  
30        ~~((f))~~ (vi) Consistency with local comprehensive plans developed  
31 under chapter 36.70A RCW;  
32        ~~((g))~~ (vii) Consistency with regional transportation plans  
33 developed under chapter 47.80 RCW;  
34        ~~((h))~~ (viii) Public views concerning proposed improvements;  
35        ~~((i))~~ (ix) The conservation of energy resources;  
36        ~~((j))~~ (x) Feasibility of financing the full proposed improvement;  
37        ~~((k))~~ (xi) Commitments established in previous legislative  
38 sessions;

1       (~~(1)~~) (xii) Relative costs and benefits of candidate  
2 programs(~~(7)~~).

3       (~~(m)~~) (d) Major projects addressing capacity deficiencies which  
4 prioritize allowing for preliminary engineering shall be reprioritized  
5 during the succeeding biennium, based upon updated project data.  
6 Reprioritized projects may be delayed or canceled by the transportation  
7 commission if higher priority projects are awaiting funding(~~(7) and~~).

8       (~~(n)~~) (e) Major project approvals which significantly increase a  
9 project's scope or cost from original prioritization estimates shall  
10 include a review of the project's estimated revised priority rank and  
11 the level of funding provided. Projects may be delayed or canceled by  
12 the transportation commission if higher priority projects are awaiting  
13 funding.

14       (~~(3)~~) (2) The commission may depart from the priority programming  
15 established under subsection(~~(s)~~) (1) (~~and (2)~~) of this section: (a)  
16 To the extent that otherwise funds cannot be utilized feasibly within  
17 the program; (b) as may be required by a court judgment, legally  
18 binding agreement, or state and federal laws and regulations; (c) as  
19 may be required to coordinate with federal, local, or other state  
20 agency construction projects; (d) to take advantage of some substantial  
21 financial benefit that may be available; (e) for continuity of route  
22 development; or (f) because of changed financial or physical conditions  
23 of an unforeseen or emergent nature. The commission or secretary of  
24 transportation shall maintain in its files information sufficient to  
25 show the extent to which the commission has departed from the  
26 established priority.

27       (~~(4)~~) (3) The commission shall identify those projects that yield  
28 freight mobility benefits or that alleviate the impacts of freight  
29 mobility upon affected communities.

30       NEW SECTION. Sec. 407. The department of transportation shall  
31 report the results of its priority programming under RCW 47.05.051 to  
32 the transportation committees of the senate and house of  
33 representatives by December 1, 2003, and December 1, 2005.

34       NEW SECTION. Sec. 408. The legislature finds that roads, streets,  
35 bridges, and highways in the state represent public assets worth over  
36 one hundred billion dollars. These investments require regular  
37 maintenance and preservation, or rehabilitation, to provide cost-

1 effective transportation services. Many of these facilities are in  
2 poor condition. Given the magnitude of public investment and the  
3 importance of safe, reliable roadways to the motoring public, the  
4 legislature intends to create stronger accountability to ensure that  
5 cost-effective maintenance and preservation is provided for these  
6 transportation facilities.

7 **Sec. 409.** RCW 35.84.060 and 1969 ex.s. c 281 s 26 are each amended  
8 to read as follows:

9 Every municipal corporation which owns or operates an urban public  
10 transportation system as defined in RCW 47.04.082 within its corporate  
11 limits, may acquire, construct, extend, own, or operate such urban  
12 public transportation system to any point or points not to exceed  
13 fifteen miles outside of its corporate limits: PROVIDED, That no  
14 municipal corporation shall extend its urban public transportation  
15 system beyond its corporate limits to operate in any territory already  
16 served by a privately operated auto transportation company holding a  
17 certificate of public convenience and necessity from the utilities and  
18 transportation commission.

19 As a condition of receiving state funding, the municipal  
20 corporation shall submit a maintenance management plan for  
21 certification by the transportation commission or its successor entity.  
22 The plan must inventory all transportation system assets within the  
23 direction and control of the municipality, and provide a preservation  
24 plan based on lowest life cycle cost methodologies.

25 NEW SECTION. **Sec. 410.** A new section is added to chapter 36.56  
26 RCW to read as follows:

27 As a condition of receiving state funding, a county that has  
28 assumed the transportation functions of a metropolitan municipal  
29 corporation shall submit a maintenance and preservation management plan  
30 for certification by the transportation commission or its successor  
31 entity. The plan must inventory all transportation system assets  
32 within the direction and control of the county, and provide a  
33 preservation plan based on lowest life cycle cost methodologies.

34 NEW SECTION. **Sec. 411.** A new section is added to chapter 36.57A  
35 RCW to read as follows:

1 As a condition of receiving state funding, a public transportation  
2 benefit area authority shall submit a maintenance and preservation  
3 management plan for certification by the transportation commission or  
4 its successor entity. The plan must inventory all transportation  
5 system assets within the direction and control of the authority, and  
6 provide a preservation plan based on lowest life cycle cost  
7 methodologies.

8 NEW SECTION. **Sec. 412.** A new section is added to chapter 46.68  
9 RCW to read as follows:

10 During the 2001-2003 biennium, cities and towns shall provide to  
11 the transportation commission, or its successor entity, preservation  
12 rating information on at least seventy percent of the total city and  
13 town arterial network. Thereafter, the preservation rating information  
14 requirement shall increase in five percent increments in subsequent  
15 biennia. The rating system used by cities and towns must be based upon  
16 the Washington state pavement rating method or an equivalent standard  
17 approved by the transportation commission or its successor entity.

18 **Sec. 413.** RCW 47.06.050 and 1993 c 446 s 5 are each amended to  
19 read as follows:

20 The state-owned facilities component of the statewide  
21 transportation plan shall consist of:

22 (1) The state highway system plan, which identifies program and  
23 financing needs and recommends specific and financially realistic  
24 improvements to preserve the structural integrity of the state highway  
25 system, ensure acceptable operating conditions, and provide for  
26 enhanced access to scenic, recreational, and cultural resources. The  
27 state highway system plan shall contain the following elements:

28 (a) A system preservation element, which shall establish structural  
29 preservation objectives for the state highway system including bridges,  
30 identify current and future structural deficiencies based upon analysis  
31 of current conditions and projected future deterioration, and recommend  
32 program funding levels and specific actions necessary to preserve the  
33 structural integrity of the state highway system consistent with  
34 adopted objectives. Lowest life cycle cost methodologies must be used  
35 in developing a pavement management system. This element shall serve  
36 as the basis for the preservation component of the six-year highway  
37 program and the two-year biennial budget request to the legislature;

1        (b) A highway maintenance element, establishing service levels for  
2 highway maintenance on state-owned highways that meet benchmarks  
3 established by the transportation commission. The highway maintenance  
4 element must include an estimate of costs for achieving those service  
5 levels over twenty years. This element will serve as the basis for the  
6 maintenance component of the six-year highway program and the two-year  
7 biennial budget request to the legislature;

8        (c) A capacity and operational improvement element, which shall  
9 establish operational objectives, including safety considerations, for  
10 moving people and goods on the state highway system, identify current  
11 and future capacity, operational, and safety deficiencies, and  
12 recommend program funding levels and specific improvements and  
13 strategies necessary to achieve the operational objectives. In  
14 developing capacity and operational improvement plans the department  
15 shall first assess strategies to enhance the operational efficiency of  
16 the existing system before recommending system expansion. Strategies  
17 to enhance the operational efficiencies include but are not limited to  
18 access management, transportation system management, demand management,  
19 and high-occupancy vehicle facilities. The capacity and operational  
20 improvement element must conform to the state implementation plan for  
21 air quality and be consistent with regional transportation plans  
22 adopted under chapter 47.80 RCW, and shall serve as the basis for the  
23 capacity and operational improvement portions of the six-year highway  
24 program and the two-year biennial budget request to the legislature;

25        ~~((e))~~ (d) A scenic and recreational highways element, which shall  
26 identify and recommend designation of scenic and recreational highways,  
27 provide for enhanced access to scenic, recreational, and cultural  
28 resources associated with designated routes, and recommend a variety of  
29 management strategies to protect, preserve, and enhance these  
30 resources. The department, affected counties, cities, and towns,  
31 regional transportation planning organizations, and other state or  
32 federal agencies shall jointly develop this element;

33        ~~((d))~~ (e) A paths and trails element, which shall identify the  
34 needs of nonmotorized transportation modes on the state transportation  
35 systems and provide the basis for the investment of state  
36 transportation funds in paths and trails, including funding provided  
37 under chapter 47.30 RCW.

38        (2) The state ferry system plan, which shall guide capital and  
39 operating investments in the state ferry system. The plan shall

1 establish service objectives for state ferry routes, forecast travel  
2 demand for the various markets served in the system, ((and)) develop  
3 strategies for ferry system investment that consider regional and  
4 statewide vehicle and passenger needs, support local land use plans,  
5 and assure that ferry services are fully integrated with other  
6 transportation services. The plan must provide for maintenance of  
7 capital assets. The plan must also provide for preservation of capital  
8 assets based on lowest life cycle cost methodologies. The plan shall  
9 assess the role of private ferries operating under the authority of the  
10 utilities and transportation commission and shall coordinate ferry  
11 system capital and operational plans with these private operations.  
12 The ferry system plan must be consistent with the regional  
13 transportation plans for areas served by the state ferry system, and  
14 shall be developed in conjunction with the ferry advisory committees.

15 **Sec. 414.** RCW 47.06.090 and 1993 c 446 s 9 are each amended to  
16 read as follows:

17 The state-interest component of the statewide multimodal  
18 transportation plan shall include an intercity passenger rail plan,  
19 which shall analyze existing intercity passenger rail service and  
20 recommend improvements to that service under the state passenger rail  
21 service program including depot improvements, potential service  
22 extensions, and ways to achieve higher train speeds.

23 For purposes of maintaining and preserving any state-owned  
24 component of the state's passenger rail program, the statewide  
25 multimodal transportation plan must identify all such assets and  
26 provide a preservation plan based on lowest life cycle cost  
27 methodologies.

28 NEW SECTION. **Sec. 415.** A new section is added to chapter 81.112  
29 RCW to read as follows:

30 As a condition of receiving state funding, a regional transit  
31 authority shall submit a maintenance and preservation management plan  
32 for certification by the transportation commission or its successor  
33 entity. The plan must inventory all transportation system assets  
34 within the direction and control of the transit authority, and provide  
35 a plan for preservation of assets based on lowest life cycle cost  
36 methodologies.

1        NEW SECTION.    **Sec. 416.**    A new section is added to chapter 36.78  
2 RCW to read as follows:

3        The board shall establish a standard of good practice for  
4 maintenance of transportation system assets. This standard must be  
5 implemented by all counties no later than December 31, 2007. The board  
6 shall develop a model maintenance management system for use by  
7 counties. The board shall develop rules to assist the counties in the  
8 implementation of this system. Counties shall annually submit their  
9 maintenance plans to the board. The board shall compile the county  
10 data regarding maintenance management and annually submit it to the  
11 transportation commission or its successor entity.

12        NEW SECTION.    **Sec. 417.**    Sections 401 through 404 of this act take  
13 effect July 1, 2002.

14        NEW SECTION.    **Sec. 418.**    Captions and part headings used in this act  
15 are not part of the law.

16        NEW SECTION.    **Sec. 419.**    If any provision of this act or its  
17 application to any person or circumstance is held invalid, the  
18 remainder of the act or the application of the provision to other  
19 persons or circumstances is not affected.

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